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Letter dated 7 February 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

Pursuant to Security Council resolution 1787 (2007) (para. 2), I am pleased to inform you that the Counter-Terrorism Committee has considered and endorsed the revised organizational plan for the Counter-Terrorism Committee Executive Directorate (see annex and its enclosure). Consistent with that resolution, this plan was submitted to the Counter-Terrorism Committee by the Executive Director of the Counter-Terrorism Committee Executive Directorate.

(*Signed*) Mirjana **Mladineo**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 16 January 2008 from the Executive Director of the Counter-Terrorism Committee Executive Directorate addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On 10 December 2007 the Security Council adopted resolution 1787 (2007) extending the period of operation of the Counter-Terrorism Committee Executive Directorate until 31 March 2008 and requesting the Executive Director, in consultation with Council members, to recommend such changes as he deems appropriate to the organizational plan referred to in paragraph 4 of resolution 1535 (2004).

Please find attached herewith a paper outlining the proposed changes to the Executive Directorate's methods of work and organizational plan, which I am recommending in accordance with the request of the Security Council contained in its resolution 1787 (2007) (see enclosure). All members of the Committee have been consulted in the preparation of the paper.

I should be grateful if you would bring the attached paper to the attention of the Committee for its consideration.

(*Signed*) Mike **Smith**
Executive Director
Counter-Terrorism Committee Executive Directorate

Enclosure

Organizational plan for the Counter-Terrorism Committee Executive Directorate

Introduction

1. In paragraph 1 of its resolution 1787 (2007) of 10 December 2007, the Security Council extended the mandate of the Counter-Terrorism Committee Executive Directorate until 31 March 2008. Moreover, in paragraph 2 of the resolution, the Council requested the Executive Director of the Executive Directorate, within 60 days of the adoption of this resolution and in consultation with Council members, to recommend such changes as he deems appropriate to the organizational plan referred to in paragraph 4 of resolution 1535 (2004). The present paper, which is submitted to the Counter-Terrorism Committee in response to that request, contains recommendations for changes to the methods of work and organizational plan of the Executive Directorate.

Priorities of the Counter-Terrorism Committee Executive Directorate

2. The organizational plan of the Executive Directorate, endorsed by the Security Council (see S/2004/642), identified the priorities of the Executive Directorate as follows:

(a) To ensure the collection of information for monitoring the efforts of Member States in their implementation of resolution 1373 (2001), including through visits with the consent of the State concerned;

(b) To strengthen the facilitation of technical assistance aimed at increasing the capabilities of Member States in the fight against terrorism and ensuring that its provision is adjusted to the countries' needs;

(c) To enhance cooperation and coordination among international, regional and subregional organizations in the fight against terrorism, as well as among other United Nations bodies;

(d) To ensure consistency among all the activities of the Counter-Terrorism Committee while maintaining a tailored approach to each State Member of the United Nations and with regard to every subject under resolution 1373 (2001);

(e) To provide adequate and complete follow-up of all the Committee's decisions;

(f) To ensure the correct exchange of information at the proper level, from the Offices (Assessment and Technical Assistance Office and Information and Administrative Office), the Executive Directorate itself and between the latter and other relevant bodies of the United Nations.

3. Over the three years since the adoption of the original organizational plan, those core priorities have remained essentially the same and should continue to guide the work of the Executive Directorate. However, in order to reflect the adoption by the Security Council of resolution 1624 (2005), the adoption by the General Assembly of the United Nations Global Counter-Terrorism Strategy in its resolution 60/288, and the evolution in its own thinking on counter-terrorism, the Committee may wish to consider adding the following two priorities:

(a) To continue providing necessary support for the work of the Counter-Terrorism Committee with Member States on the implementation of Security Council resolution 1624 (2005) that would help them to enhance their capacity, including through spreading best practices and promoting exchange of information in this regard;

(b) To participate actively in the Counter-Terrorism Implementation Task Force established to assist Member States in their implementation of the Global Strategy.

4. Furthermore, in accordance with the policy guidance adopted by the Committee on 25 May 2006, the Executive Directorate should also continue to advise the Committee on issues relating to international human rights law, refugee law and humanitarian law in connection with the identification and implementation of effective measures to implement resolution 1373 (2001), as well as on ways to ensure that any measures taken by Member States to implement the provisions of resolution 1624 (2005) comply with their obligations under international law, in particular international human rights law, refugee law and humanitarian law.

Key activities and principal tools

5. In its efforts to serve and advise the Counter-Terrorism Committee, the Executive Directorate has carried out the following key activities and developed the following basic tools:

(a) Conducting dialogue with Member States on their implementation of resolutions 1373 (2001) and 1624 (2005), including through selected visits and, as appropriate, the identification of technical assistance needs;

(b) Developing the preliminary implementation assessment as the primary tool for assessing countries' implementation of resolution 1373 (2001) and drafting a total of 193 such assessments (one for each Member State, plus one for a non-member State);

(c) Preparing an annual global assessment (implementation survey), on the basis of the preliminary implementation assessments, to help the Committee identify particular gaps and general trends;

(d) Developing the website of the Counter-Terrorism Committee containing, inter alia, the technical assistance matrix and the directory of best practices;

(e) Maintaining close, collaborative and cooperative relations with other United Nations bodies working in the area of counter-terrorism, in particular the Analytical Support and Sanctions Monitoring Team of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, the Expert Group of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the non-proliferation of weapons of mass destruction, the United Nations Office on Drugs and Crime and the other members of the United Nations Counter-Terrorism Implementation Task Force.

6. The Executive Director further proposes that the Counter-Terrorism Committee Executive Directorate should give greater priority to three additional activities, which have become critical to achieving the overall objectives of the Committee and the Executive Directorate and whose importance was specifically

noted in the Committee's comprehensive review of the Executive Directorate in December 2006 (see S/2006/989):

- Developing a comprehensive strategy to engage with donors active in the counter-terrorism field and match their capabilities with the needs of recipient countries, as a way to enhance its capacity to facilitate technical assistance and to find innovative ways to follow up on technical assistance requests in order to ensure an appropriate response.
- Implementing a more proactive communications strategy with a view to enhancing understanding of the role of the Committee and the Executive Directorate in the counter-terrorism field. This strategy would be targeted, primarily and most importantly, at Member States. However, it would also be targeted at international organizations, universities, think-tanks and the general public.
- Developing new mechanisms and practices to strengthen collaboration and cooperation between the Executive Directorate and the experts of the Security Council Committees established pursuant to resolutions 1267 (1999) and 1540 (2004), including in the context of their common involvement in the United Nations Counter-Terrorism Implementation Task Force.

The Counter-Terrorism Committee Executive Directorate should also work to strengthen its relations with regional and subregional organizations, which can play a valuable role in providing political support, local knowledge and constructive follow-up to the activities of the Executive Directorate in the field.

Proposed modifications to the working methods of the Counter-Terrorism Committee Executive Directorate

7. In order to bring greater consistency and conformity of judgement to all documents prepared for the Committee, cross-cluster mechanisms will be established to focus on the different technical fields addressed by resolutions 1373 (2001) and 1624 (2005), and a quality control unit will be established to review all documents prior to their release.

8. Secondly, in accordance with the proposal made by the Committee in the aforementioned comprehensive review of the Executive Directorate, the Executive Director proposes that the system for visiting Member States should be made more flexible in order to allow for tailored and focused visits to countries in all regions. This increased flexibility should bring efficiencies to the work of the Executive Directorate by allowing it, in its interaction with Member States, to focus on issues of the highest priority to the Committee and to the country concerned. It should also enable the Committee to engage directly with a significantly greater number of countries each year.

9. It is therefore proposed that the Committee, while continuing the existing practice of conducting full assessment missions to certain countries, where this is particularly appropriate or where it is requested, should consider conducting the following types of visit, in accordance with appropriate guidance, in the case of most Member States:

(a) A focused visit to evaluate and advise on one or two priority aspects of the implementation of resolution 1373 (2001) (for example, border security and

document fraud, among others) that have been highlighted in a review of the country's preliminary implementation assessment;

(b) A focused visit to a particular region or subregion identified as suffering from a certain common vulnerability. This might involve short visits to several capitals in succession or the organization of a subregional meeting in one central location which could be attended by the relevant officials of several neighbouring countries;

(c) A focused visit to a country that has a particular strength that might be replicated in other countries, whether through the provision of technical assistance or through inclusion of the strength in the directory of best practices;

(d) An advocacy visit by the Chair of the Counter-Terrorism Committee or the Executive Director (or both), perhaps accompanied by one or more members of the Committee, aimed at raising general awareness of the terrorist threat and focusing high-level political attention, within the Government or Parliament concerned, on the importance of implementing resolution 1373 (2001) (for example, through adoption/passage of counter-terrorism legislation);

(e) A follow-up visit to a country previously assessed aimed at evaluating progress made in implementing the recommendations of the Committee;

(f) In addition to the formal visits proposed above, the experts of the Executive Directorate should take advantage of ad hoc opportunities to engage in dialogue with relevant government officials when visiting or transiting countries in the context of multilateral meetings. This would help build dialogue, develop networks and address issues arising from the preliminary implementation assessments in a more practical and less rigid manner;

(g) Participation of an expert of the Executive Directorate in a visit organized by another relevant technical agency, such as the International Civil Aviation Organization, in order to help identify counter-terrorism technical assistance needs in that country and facilitate the provision of such assistance. This would be a cost-effective way to strengthen implementation of resolution 1373 (2001).

Outline of the revised operational structure of the Counter-Terrorism Committee Executive Directorate

10. The Executive Director recommends the following changes to the management structure of the Executive Directorate, aimed at improving cross-cluster communication, bringing greater rigour and consistency to the documents and reports prepared by the Executive Directorate, and generally making the Executive Directorate more dynamic, effective and responsive to the Committee.

11. The basic structure of the Executive Directorate, including the number and level of its staff, would remain unchanged. The proposed revised operational structure and the corresponding responsibilities are as follows:

A. Executive Director

12. The Executive Director and his Office will continue to have responsibility for the overall direction of the Executive Directorate, as well as particular responsibility for:

- Relations with the Counter-Terrorism Committee
- Relations with other parts of the United Nations, including the Secretary-General and his Office, and the other subsidiary Security Council bodies operating in the field of counter-terrorism
- Engagement of the Executive Directorate with the Counter-Terrorism Implementation Task Force

B. Assessment and Technical Assistance Office

13. The Head of the Assessment and Technical Assistance Office, in addition to serving as the Deputy Executive Director and managing the Office, will have special responsibility for the following:

- Donor relations and strategies for engaging with donors (countries, regional organizations and international organizations)
- Consistency of assessments through oversight of the new cross-cutting technical groups

C. Geographical clusters

14. The three existing geographical clusters (A, B and C) will remain unchanged and continue to constitute the basic management structure within the Assessment and Technical Assistance Office. In addition to managing the work of the respective cluster and contributing to Executive Directorate-wide assessments, each cluster leader will be responsible, in particular, for:

- Developing and managing regional and/or subregional strategies in their areas of responsibility
- Reviewing preliminary implementation assessments and conducting dialogues with countries on the basis of the preliminary implementation assessments
- Identifying priority countries for future visits, including the proposed nature and focus of such visits

D. Technical groups and units

15. The major change in the operational structure of the Executive Directorate will be the creation of five cross-cutting technical groups. Designed as an internal mechanism to enhance expertise and consistency and contribute to the principal work activities of the Executive Directorate, these groups will be established initially in the following functional areas:

- Technical assistance
- Terrorist financing
- Border security, arms trafficking and law enforcement
- General legal issues, including legislation, extradition and mutual legal assistance
- Issues raised by resolution 1624 (2005); as well as the human rights aspects of counter-terrorism in the context of resolution 1373 (2001)

16. The technical groups, each of which will include members of all three clusters, will discuss and agree upon common standards and approaches in their respective fields; exchange ideas on new developments and technologies where relevant; develop proposals for revised methodologies as necessary; and lead periodic discussions or briefings within the Executive Directorate in their respective areas (for example, terrorist financing, arms trafficking and human rights, among others). The coordinators of each group will be staff members having particular expertise in the relevant technical field, and not generally cluster leaders. All groups will report to the Head of the Assessment and Technical Assistance Office.

17. There will clearly be many linkages between the different groups and considerable overlap in some areas (for example, technical assistance and human rights could be said to be relevant to all groups, as indeed could the topic of legislation, which normally falls into the group dealing with general legal issues). For this reason, the groups will operate flexibly and will draw other staff of the Executive Directorate into their deliberations as necessary (including experts of the Monitoring Team of the Committee established pursuant to resolution 1267 (1999)). Additionally, there will be regular meetings of the whole Office at which coordinators will outline the progress in their work to allow broader discussion and ensure that there is appropriate cross-communication with the other groups.

18. The technical assistance group, in view of its fundamental importance to the work of the Executive Directorate, will be led by the Chief of Branch of the Assessment and Technical Assistance Office and will include among its membership all three cluster leaders. This group will review the existing strategies and mechanisms for facilitating technical assistance and refine them with a view to strengthening the contribution of the Executive Directorate in this area. It will also develop improved methodologies to record the impact of the Executive Directorate in the technical assistance field.

19. The establishment of the group on resolution 1624 (2005) and the human rights aspects of counter-terrorism will, firstly, enable the Executive Directorate to contribute to the Committee's consideration of how it might assist Member States to address issues such as incitement to terrorism and the inter-cultural dialogues raised by resolution 1624 (2005). Secondly, it responds to the concern expressed by the Committee on many occasions, including in its comprehensive review of the Executive Directorate (see S/2006/989), and by the Security Council, most recently in its resolution 1787 (2007), that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law.

20. In addition to ensuring a harmonized approach to the assessment of human rights issues across all clusters, this group will consider ways in which the Committee might more effectively encourage Member States to comply with their international obligations in this area.

21. The Executive Director also proposes to establish the following two new units:

- A quality control unit, tasked with reviewing all documents prior to their leaving the Executive Directorate with a view to ensuring consistency of style, format and language.

- A public communications and outreach unit, which will be responsible for developing an active programme of engagement with Member States, international organizations, relevant research institutions and civil society, as appropriate. This unit will seek to coordinate its activities with other relevant Security Council bodies.

E. Information and Administrative Office

22. The functions and staffing of the Information and Administrative Office will remain unchanged. The Head of the Office will therefore remain responsible for:

- Financial and management issues
- The communications strategy of the Executive Directorate and oversight of the public communications and outreach unit
- Oversight of the quality control unit

Staffing issues

23. Overall, the proposals contained in this paper do not require additional staff or a significant budget adjustment. However, three longer-term staffing issues will need to be addressed by the appropriate body sooner or later, and are worth noting at this time:

(a) When the Executive Directorate was established, the Committee decided that all its staff (with the exception of permanent staff members of the United Nations) would be designated as external to the Organization. The aim of this decision was to ensure that the Executive Directorate would be able to retain the expertise and institutional knowledge it would acquire during its initial period of operation by making it difficult for staff to move elsewhere in the Organization. However, after three years it is clear that the Executive Directorate would in fact benefit from greater movement among its Professional staff members as the balance of its work shifts away from advocating new legislative measures in Member States to helping them improve their implementation of existing laws. The majority of the Executive Directorate Professional staff are Legal Officers. Increasingly, however, the Executive Directorate will require officers with more specific technical expertise (for example, in fields such as aviation and maritime security, law enforcement, prosecution, terrorist financing and customs). Removing the external designation given to existing staff recruited from outside the Organization would enable them to apply for positions elsewhere in the Secretariat and encourage greater flow-through of staff. This issue will be raised with the Secretary-General and pursued in the context of the outcome of the current review of 100-series contracts, which is likely to be completed within the next couple of months;

(b) While action in accordance with paragraph (a) above would gradually help address the need to change the mix of expertise within the Executive Directorate, this would necessarily take time. In order to address this in the short term, it may be necessary for the Executive Directorate to seek authority, on a case-by-case basis, to second technical experts from relevant international technical organizations, regional and subregional organizations and possibly, in certain well-defined circumstances, from Member States (in accordance with the relevant resolutions of the General Assembly, notably resolutions 51/243 and 52/234). Highly technical attachments, ideally carried out for relatively short periods such as

6 to 12 months, would enhance the expertise of the Executive Directorate, particularly if its visits were to become more focused, and would also help strengthen links with counter-terrorism agencies in Member States;

(c) While the Executive Directorate has a formal organizational staffing establishment of 28 Professional and 8 General Service staff members, this has been augmented, since its establishment in 2005, through the addition of one senior staff member (P-5) and three junior Professional staff members (P-1 and P-2). These officers have performed vital support work for the Office of the Executive Director and for the three geographical clusters. It is therefore proposed that, when the budget of the Executive Directorate is next considered, in November 2008, the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee of the General Assembly should be requested to regularize this ad hoc arrangement by adding the three junior positions to the staffing complement of the Executive Directorate. The P-5 position, which is not currently filled, would be allowed to lapse.